

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Jerald Alan Hammann,

Civil No. 03-3342 (DWF/SRN)

Plaintiff,

v.

ORDER AND MEMORANDUM

800 Ideas.com, Inc., a Nevada corporation;
1-800 San Diego Inc., a California corporation;
Steven Parker; Richard Jones, a California resident;
David Sprouse, a California resident; and
1-800 Ideas.com, Inc., a Nevada corporation,

Defendants.

Jerald Alan Hammann, *Pro Se*, Plaintiff.

Christopher K. Sandberg, Esq., and Darla Jo Boggs, Esq., Lockridge Grindal Nauen PLLP, counsel
for Defendants.

This matter is before the Court upon Plaintiff's appeal of Magistrate Judge Susan Richard Nelson's order dated October 24, 2005, denying Plaintiff's motion, in part, to join an individual private party to these proceedings, namely, Susan Parker. Defendants' oppose Plaintiff's appeal. The Court must modify or set aside any portion of the Magistrate Judge's order found to be clearly erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); Local Rule 72.1(b)(2). This is an "extremely deferential standard." *Reko v. Creative Promotions, Inc.*, 70 F. Supp. 2d 1005, 1007 (D. Minn. 1999). "A finding is 'clearly erroneous' when, although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." *Chakales v. Comm'r of Internal Revenue*, 79 F.3d 726, 728 (8th Cir. 1996)

(quoting *United States v. United States Gypsum Co.*, 333 U.S. 364, 395 (1948)). The Court denies Plaintiff's appeal and affirms Magistrate Judge Nelson's order of October 24, 2005, in all respects.

The Court finds that Magistrate Judge Nelson's order is neither clearly erroneous nor contrary to law.

Accordingly, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Susan Richard Nelson's order of October 24, 2005 (Doc. No. 118) is **AFFIRMED**.

Dated: December 7, 2005

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court

MEMORANDUM

Magistrate Judge Susan Richard Nelson's evaluation of 47 U.S.C. §§ 411 and 217 was neither clearly erroneous nor contrary to law. The record before the Court supports Magistrate Judge Nelson's conclusion that Susan Parker's role as the owner and officer of 800 Ideas.com, Inc., is not a sufficient basis to join her as an individual party to this lawsuit. However, the Court must observe, as Magistrate Judge Nelson did in her order, that while it is not a basis for holding Susan Parker individually responsible, the ruling by the Court will have little, if any, evidentiary effect on how the case proceeds because her actions are extremely relevant to the Defendants' liability and can be imputed to the Defendants. Thus, whether Ms. Parker is subject to individual liability or not, the evidence and issues in the case remain essentially the same.

For these reasons, the Court has affirmed the order of Magistrate Judge Susan Richard Nelson.

D.W.F.